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1991

Vol. 41, No. 10, April 1, 1991

University of Michigan Law School

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Recommended Citation

University of Michigan Law School, "Vol. 41, No. 10, April 1, 1991" (1991). *Res Gestae*. Paper 245.
http://repository.law.umich.edu/res_gestae/245

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Fools!

The Res Gestae

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Vol. 41 No. 10

UNIV. OF MICH.

The University of Michigan Law School

April 1, 1991

Law Review Affirmative Action Policy Challenged

By Andrew D. Manitsky

Special to The Res Gestae

The Editorial Board of the Michigan Law Review voted at last week's meeting to retain its affirmative action policy, despite an attempt by some editors to abolish it entirely.

The meeting took place on Tuesday, March 26. It began at 7:00 P.M. and ended at approximately 2:30 A.M.

Editorial Board members Arthur J. Burke and J. Daniel Plants submitted a resolution proposal to the Board which reads in part: "We believe that the selection of Associate Editors for admission to the Michigan Law Review should be based exclusively on merit. . . . To this end, the Review should never take into account . . . any immutable characteristics, such as race, gender, sexual preference, ethnicity, national origin, religion, creed, Vietnam-era veteran status or physical disability."

Mr. Burke, Book Review Editor

of the Law Review, and Mr. Plants, Articles Editor, were described by some present at the meeting as "eloquent spokesmen." Even those who disagreed with Mr. Burke and Mr. Plants described them as "extremely persuasive."

The goal of the Michigan Law Review, as stated in its "Staff Selection Procedures" of 1990-1991, "is to have at least the same percentage of minorities on its staff as there are minorities in the Law School." "Minorities," according to the printed procedures, include "Black Americans, Mexican Americans, Native Americans, and Puerto Ricans raised on the mainland." Other groups are not included in the affirmative action program. This definition of minorities is, according to Editor in Chief Corinne B. Yates, identical to that of the Law School.

Ms. Yates, in a formal statement to the *Res Gestae* announcing the

Law Review's retention of the program, maintained: "We strongly encourage all students, especially those historically underrepresented on the Review, to apply for membership."

Positions on Law Review are determined by a writing competition and first-year grades. Under the Law Review's procedures, if the percentage of minorities on its staff is lower than the percentage in the law school as a whole—there are presently between 10 and 12.5% minorities in the school—the Review then considers an applicant's affirmative action eligibility.

Ms. Yates asked the Editorial Board members not to disclose the events of Tuesday's meeting, because she feared that disclosure would make Board members afraid to speak their minds at future meetings. Indeed, many Board members refused to comment on the meeting. Mr. Burke had only the following formal statement

to make: "I believe that the Editorial Board of the Law Review conducted a thorough and mature discussion of the issue, and I accept the decision of the Board."

But Mr. Plants, while refusing to speak specifically about what individual Board members said at the meeting, did have several comments to make about the issue of affirmative action. He argues: "Given the Law School's affirmative action program for admission, the Minority Affairs Program which assists academically, the blind grading system, and the system for blind admission to

the Review, there is absolutely no basis for claiming that any person here has been discriminated against by Michigan Law School."

Mr. Plants added, "Even if minority students aren't complaining about the stigmatic effects [of affirmative action programs], all of humanity suffers when some of its members are categorized or their achievements are beclouded by suspicion over how they were attained."

Rachel Godsil, Executive Articles Editor at the Review, disagrees. "If diversity brings value to the or-

See *LAW REVIEW*, page 12

A History of Official Political Correction on Campus

By James S. Johnson

Generally, PCness is controlled by informal methods—social pressure, unofficial harassment, etc. There have been two times in the past few years when at least some people at Michigan have felt themselves being politically corrected through the exercise of official power.

In 1988 the Board of Regents adopted an antiharassment policy. The University said the policy was designed to protect the educational environment for all its students. Opponents of the policy felt that it was an attempt to punish unpopular speech.

One of the university's documents (later withdrawn) published to explain the policy used the example of displaying the Confederate Flag as an action that would be punished. It also used the examples of private conversations overheard by someone who was offended by them.

The American Civil Liberties Union took the university to court, and in August of 1989 Federal Judge Avern Cohn ruled the policy unconstitutional.

The university has since adopted

an antiharassment policy based on assaultive speech aimed at specific individuals, which has gone unchallenged.

MSA has battled over recognition of unPC student organizations in the past several years. Two organizations—Tagar and Christian Cornerstone Fellowship—have been the particular occasion for this struggle.

Recognition is required for organizations to have access to university facilities and to be able to post notices in some places on the the campus. MSA has been given its power to recognize student organizations by the university, thus making its actions in this area "official."

Tagar has been attacked for being a Zionist/racist organization. CCF was targeted because of its organizational rules against acts of homosexuality.

On one occasion, MSA withdrew recognition of both organizations. Later, the Central Student Judiciary ruled MSA had acted illegally in doing so and reinstated recognition of both organizations.

ACLU Leader Speaks

By Deborah Goldstock

Howard Simon, the Executive Director of the American Civil Liberties Union of Michigan, opened his speech Thursday night with a quote from Chief Justice Earl Warren: "The function of the American Civil Liberties Union and the Bill of Rights is to restrain the tides of hysteria that from time to time threaten all of us."

Mr. Simon blamed fear of racial tension, escalating crime, and conflicting religious beliefs for laws which curtail civil liberties. He warned against giving up liberty, claiming that if we give up our rights to the government, those rights are never coming back.

Mr. Simon described how the government violated civil liberties during the Gulf War. For example, the government restricted journalistic freedom by scrutinizing "press pool" videos before their public release. Simon remarked that the

government's desire to not repeat Vietnam meant only a fear that allowing the press to report the carnage of war back to U.S. citizens would diminish public support.

Hemoved to the "War" on Drugs, renaming it the "War on the Bill of Rights." He argued that legislator's attempts to solve the drug crisis ignores civil liberties, noting that the Michigan State Senate "has never met a restriction on civil liberties that it didn't like." These proposals include cutting off user's fingers, "no-knock" police searches, school drug testing, and seizing children from families when police suspect drug use. The ACLU is necessary at times like this, "when people lose perspective when dealing with a problem."

Like drug legislation, university anti-harassment codes violate liberties in addressing real problems. Simon claims that these codes are "easy, cheap and have good PR

value," unlike commitment to diversity in the student body and tenured faculty. Simon distinguished Michigan's overturned anti-harassment code, which prohibited "stigmatizing" certain classes of people, from the new interim policy which forbids verbal assault aimed at a specific individual. The first amendment protects our right to offend others, Simon argued, not the right to assault others through speech.

The initial Michigan anti-harassment code was found unconstitutional following a court challenge initiated by the campus ACLU. Simon said that ruling, by federal judge Avern Cohn, has been used to tailor harassment policies across the nation.

Simon addressed another issue confronting the University of Michigan and the nation—police brutality. He argued that the recent Supreme

See *ACLU*, page 3

The Res Gestae

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The Res Gestae is published virtually every Monday during the school year by students of The University of Michigan Law School. Opinions expressed in bylined articles are those of the authors and do not necessarily represent the opinion of the editorial staff. Subscription prices are \$10 a semester and \$15 for a full academic year. Articles may be reprinted without permission, provided that the author and The Res Gestae are credited and notified. Mailing address: The Res Gestae, The University of Michigan Law School, 721 S. State St., Ann Arbor, MI 48104-3040. Phone: (313) 998-7976.

Submissions to The Res Gestae should be placed in the newspaper's pendaflex in Room 300 Hutchins Hall by 5 p.m. on the Friday preceding publication. Items submitted after this time will not normally be considered for inclusion in the following issue. Anonymous submissions will not be printed unless the identity of the author is disclosed to the editors and there is a compelling reason for the author to remain anonymous.

The Res Gestae requests that submissions be placed on Macintosh or MS-DOS 3.5 inch disks. This will save us time and expedite the printing of your ideas. The piece may be typed in any of the following word-processing programs: WriteNow, Microsoft Word, WordPerfect or FullWrite.

TODAY'S STRIP FEATURES:



Affirmative Action is a serious tool for equality.

Everything should be open for debate, including affirmative action. Last week's Law Review Editorial Board meeting served as a heated marketplace for ideas surrounding this issue. The appropriateness for this debate we do not question.

However, we find the challenges to the Review's affirmative action policy unpersuasive.

Affirmative action is a complex issue. Here we are dealing with equality of opportunity, which in reality does not exist for people of all races, colors and creeds. White males have typically not experienced the same history of oppression that many other groups share. If we are serious about the ideal of equality, then affirmative action is a tool to remedy this history of discrimination.

There is no quick fix to today's inequality. Let us survey a few generalities, which will encounter some exceptions. Non-white-male groups are struggling to climb new ladders starting from lower rungs, especially in terms of educational opportunities. They do not have any comparable network in corporate America and elsewhere to assist them in attaining employment and political advancement. This lack of diversity in the upper ranks of the legal community also discourages many underprivileged from even applying to law school. For example, blacks may feel uncomfortable trying to move into a career track where there are no black role models. In light of these realities, desegregation and narrowly interpreted civil rights bills alone will not enable the historically underprivileged to share the same opportunities.

Moreover, there is something very unique and important that people of different cultures can bring to an enterprise like Law Review. This is especially true in our increasingly smaller world of economic interdependence where racism, sexism and xenophobia are not only morally wrong but they are also bad business practices.

Again, if we are serious about promoting civil rights, affirmative action is certainly one possible tool to work within the "system" for change. And there may be others. Yet the opponents of affirmative action have yet to suggest even one. **MDS & ADM**

Letters to the Editor

To the Editor:

I have always considered myself a liberal — a supporter of civil liberties, civil rights, and humanistic government. But there is an authoritarian strain of thinking that runs through much political thought on the left. Unfortunately, the "political correct" left is increasingly marked by the Robespierre logic and self-righteous attitudes of this strain.

I'm disappointed that many on the left have abandoned civil liberties now that these rights are in the way of their group self-interest. The call to outlaw speech offensive to various groups is particularly disturbing. Some authors would do away with the concept of rights entirely. To an extent this is an overreaction to the national shift to the right; like the panicked flailing of a swimmer caught in a strong tide. For the most part, though, it is cynicism. It is as if years of rooting around for the hidden agendas of others have numbed the PC left to their own sense of shame. The PC left has abandoned liberal principles such as free speech for no greater cause than their own group self interest.

The fight for progress and reform remains the fight to extend and improve what civilization we have, not to sacrifice the best of it.

Yours truly,
 Philip Dahl

Dear Editor:

I read with great interest *The Justification for One White Man's Fears* (March 25, p. 4) and would like to respond to one point: to those first-year students interested in using law reform as one means to achieve justice, I invite you to apply to the *Journal of Law Reform*.

The *Journal* is strongly committed to publishing student work. We want new members with clear visions of changes they would like to see in our legal system, regardless of what political label the author or proposal may attract. (I mean that—the *Journal* has also published student Notes advocating limited liability for corporate directors and supporting religiously motivated home schools.) Ideally, each student notewriter would be passionately interested in her topic; write a thoughtful, innovative and well-supported Note; and be published. Members of historically disempowered groups may have an especially sharp view of necessary legal reforms. Part of the *Journal's* mission is to see that these reform proposals get in print.

To that end, the *Journal* is working on a special symposium issue on the topic "Preservation of Minority Cultures," to be published by the class of 1993 staff. Next year's *Journal* members will have a unique opportunity to learn about these issues through work on the symposium articles.

There are countless other benefits to being on the *Journal*, such as hanging out with the coolest editorial staff at the law school (my personal opinion), getting your own carrel on sub-3, and having the next crop of first years telling you to be quiet. Also, in case you heard otherwise, I want to state for the record that we don't use grades in our selection process.

You will gain valuable writing and editing experience on any of the three law school publications, including the *Law Review* and the *Michigan Journal of International Law*. All three publications have staff lists posted by their offices (The *Journal of Law Reform* and *Law Review* on sub-3, and the *Journal of International Law* on sub-2), and any of us would be happy to talk with you. Feel free to introduce yourselves and ask questions. We look forward to meeting you.

Sincerely,
 Valerie Wald
 Editor in Chief, Michigan Journal of Law Reform

Dear Editors,

The Placement Office has a fantastic new handout that everyone looking for a job in public interest law should know about. The Placement Office staff has gone through seven of the largest sources of public interest job listings and put together an invaluable list. The agencies from these sources had been entered on the computer database mentioned in the RG article of March 11, 1991. The problem with the computer database had been that it could only be searched by city, not by subject matter. This new handout is organized by the subject matter that each public interest organization deals with, and within each category they are listed by city. Next to each organization is the original source you can go to for complete information about their work. Having asked for the Placement Office to do more in an earlier RG article, I want to publicly thank them for their efforts in producing this new handout.

Sincerely,
 Cristine Webber

Violence Is Not the Answer

Editor's Note: The following is in response to the article, "The Justification for One White Man's Fears", which was published in Res Gestae issue March 25, 1991. The authors have asked to have their names withheld from this piece largely for the same reasons as the previous article's writers (see opening paragraph). We feel that both parties have legitimate concerns, and in fairness, we have chosen to grant this week's request. These will be the last requests honored on this topic by the Editorial Board, absent extenuating circumstances. It is truly unfortunate that (legitimate) fear is so pervasive at this University regarding potential liability for opinions expressed.

We do not feel comfortable putting our names on this article because: 1) As we do not subscribe to the "politically correct" ideology which has unfortunately infected this university, we realize this article, as well, may hinder our future employment opportunities as well as political careers that we may choose to engage in, and 2) we fear mistreatment and resentment from those members of the administration, faculty, and student body who subscribe to the politically correct view, and neither realize nor tolerate any viewpoints counter to their own. We will continue to express our viewpoint to on this matter to other law students. However, we also realize the potential for the written word to be misconstrued or distorted—especially when it conflicts with the prevailing pro-minority ideology.

"Our constitution is color-blind, and neither know nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful." Justice John Marshall Harlan, dissenting in *Plessy v. Ferguson*, 163 U.S. 537.

"The Justification for one white man's fears" article demonstrates what is wrong with the United States today: "We want our fair share of socioeconomic power now"; "We want respect"; "Give us some power. . .". Black Americans constitute a sizable percentage of the U.S. population; this enormous block of political power has yet to be utilized by Black Americans. If this power was to be used, society would not have to "give" anyone anything.

The case cited in the article, *Easley v. University of Michigan Board of Regents*, also demonstrate the same point. While only the original opinion was cited in the article, further research shows that the suit was eventually dismissed since it was totally baseless. *Easley*, 906 F.2d 1143. The plaintiff basically wanted his degree without having to earn it. The court noted the numerous attempts the law school administration had taken in a futile attempt to help the plaintiff obtain his degree. Additionally, the plaintiff had also been found guilty of plagiarizing a law review article in a paper submitted to Professor Westen. It is also interesting to note that the plaintiff accused not only all defendants of discrimination, but also the trial judge. All these claims were resoundingly rejected by the court.

Today is not the time of years past where voting laws or roving groups of thugs kept poor Whites and Blacks from exercising their right

to vote. Today, anyone can participate in electing our leaders - is it the fault of the "White brothers" that Blacks do not exercise their political power? We think not. The system can and does work for those who attempt to work within it and take advantage of many opportunities. Are those students who take advantage of athletic scholarships and later gain admission to one of the best law schools taking advantage of the system or working within it? Did a group which included Harvey Gant work within or outside the system when it took advantage of the FCC's Affirmative Action programs and purchased a broadcasting license at an artificially low price and then sold the license shortly thereafter to a group of White Americans for a sizable profit? The system works for those who choose to work within it and exert some effort. Indeed, many feel it works too easily for minorities in that Affirmative Action programs, such as the one implemented at this law school, actually ignore merit and achievement in favor of arbitrary distinctions made on the single basis of race.

The approval of the threats issued by Mike McGhee merely show the extent to which "political correctness" has grabbed a disproportionate amount of power on this campus. People were outraged when David Duke merely ran for political office; however, those same people applaud another politician's call for violence based on race since the politician happens to be Black. President Bush is called racist because he believes in merit-based hiring and vetoed a bill which would require businesses to hire based on race; Mike McGhee wants Blacks to kill Whites merely because of each group's skin color. Who is being racist?

None of the articles published have addressed the fact that White Americans fought for the freedom of Black Americans. White Americans, while being paid for working on plantations, railroads, etc., also just barely survived that same time period. Why should the descendants of these people, or or those White Americans who just recently immigrated to this country be killed or discriminated against merely because many Black Americans refuse to work within the system? Many ethnic and racial groups which have entered the U.S. have experienced discrimination at one time or another. Yet most groups have prospered through hard work and perseverance. Asian Americans who have entered this country have proven themselves to be above average students, yet these people experience discrimination. These people get ahead with hard work and effort; they are proof that minorities can work within the system and succeed. While no one is naive enough to claim that discrimination does not exist today, people who make an effort can succeed. However, if Black Americans just want money, jobs, education, respect, and power given to them, the system probably won't work for them (even though the United States IS the biggest welfare state in the world).

The authors of "The Justification of one white man's fears" threaten that "organized terrorism engaged in by 30 million Black Americans and led by Black intelligentsia could wreak havoc on the United States." However,

it should be pointed out that violence works both ways. All that these threats of violence do is undermine the other claims Black Americans put forth. Young Black males are killing each other in record numbers - violence should be stopped and not encouraged. It is also interesting to examine the political culture of those cities in which the this unprecedented killing is taking place - Detroit, New York City, Los Angeles, Philadelphia and Washington D.C.

Black Americans decry the violence that occurred during slavery and the Civil Rights movement. Yet Black leaders now call for violence against White Americans while the

President calls for the equality of all citizens. Affirmative action programs continue to deny deserving poor and middle class White Americans opportunities for higher education and jobs. A small Chicago company that exclusively employs minorities (except for the white owner and his father) has been cited for discriminatory hiring practices by the EEOC since the company employs Hispanic workers and only three Black workers instead of the 8.4 Blacks the EEOC says should be employed. Instead of striving for equality, distinctions are again being made on the basis of race. Who are the real racists today?

LSSS/MSA Election Results

LSSS:

President — Jose Vela
Vice President — Kirra Jarret
Secretary — Mark Sanor
Treasurer — Steve Coger
Third Year Representative —
David Steiger
Margaret Williams
Second Year Representatives —
Dan Israel
Deborah Goldstock

"I would like to express my thanks and appreciation to everyone who came out and voted. My first priority will be to look into the use of recycled materials for course packets and other administrative materials used by the law school. I plan to review the course selection process and work with the placement office to establish a public interest employment program. In addition, I will consult the general student body on their priorities to determine the agenda for the student senate next fall."

— Jose Vela, Jr.

LSSS President

Board of Governors:

Second Year — Nicole Rival
Third Year — Lamont Satchel

MSA Representative

Michael David Warren, Jr. (99)
Valerie Dawson (86)
Eric Restuccia (55)

"First, I'd like to commend both Valerie and Eric for running just excellent campaigns. Second, I'm very excited that for the first time the Conservative Coalition has taken a majority of the MSA — I plan to strive hard to make MSA a credible organization which will deal with students' concerns — and I'll specifically work hard with the MSA and LSSS to ensure the law school its fair share of MSA funding" — Michael David Warren, Jr.

Law School MSA Representative

ACLU, continued from page 1

Court decision allowing coerced confessions seems to condone police brutality. In regard to police actions at the University, Simon suggested instituting review boards for the newly-deputized security guards.

Mr. Simon concluded that the forums used to uphold civil liberties are changing. He reminisced about growing up in the 1960's, with the assumption that the Supreme Court always overturned discriminatory state action. "I was suckered into thinking that I could always count on federal courts to right these wrongs." Comparing the Warren Court to the Rehnquist Court, he proposed that justices are now picked for their hostility to civil rights and liberties, especially the right to privacy.

On the other hand, ACLU cases brought

under the Michigan state constitution, and through the state legislature have been more successful. He recalled instances where elected state judges have "been brave enough" to overturn laws which had tremendous popular support, such as the ban on poor women using Medicaid to pay for abortions. (Note: the day after Simon's speech, the Kalamazoo County Circuit Court refused to enjoin a Michigan law requiring minors to obtain parental consent before getting an abortion)

Simon closed his speech by urging student activism. He said that no civil liberties battles ever stay won, since the public is continuously trying to contend with new problems, and new hysterias.

PC Opponents: Quit Your Whining

By James S. Johnson

It is the current fad in academia to bemoan the need to be politically correct. That this is a fad is obvious by the way we talk about it: "That's not very 'PC' of you" a professor will say with a smile.

PCness is mainly about what people say and how they say it. However, it reaches actions as well as words. Some beers (o.k., most beers), some pizzas (delivered in 30 minutes or less) aren't PC.

Political Correctness stems from an understanding that we live in a political world. The words we choose have political and social consequences beyond the immediate. The profits from the beer we drink or pizza we eat may go to support political causes we disagree with.

The complaint about the "oppressive regime" of PCness is that it stifles expression and inhibits academic freedom. The white is afraid to talk about race for fear of being thought of as a racist. The male is afraid to talk about women's rights for fear of being thought of as sexist. The heterosexual shuts up rather than risk being labeled a "homophobe." The person of color or woman or homosexual who disagrees with the party line stays quiet out of fear of being labeled a traitor.

Is there something new here? Have you ever heard of "peer pressure?" There has never been a time or place where people could express themselves without fear of social consequences of the positions they take.

Since people first learned how to talk we have judged others by what they say, and,

knowing this, they have had to watch what they say. PCness is nothing new.

The sanctions applied to the politically incorrect are not the same as have been used before. The current PC regime is not enforced by imprisonment. The politically incorrect are not threatened with physical violence or even economic ostracism. The sanction is simple social embarrassment.

Academic freedom has never meant the freedom to disagree with the dominant thinking with complete impunity. Just as today someone who openly advocates white supremacy or male supremacy or homosexuality as immorality is labeled both bigoted and stupid — in the past advocates of racial and sexual equality were labeled dangerous and stupid.

What is new about PCness is who is effected by it. It used to be that white people could talk about race freely because, frankly, we didn't care what black people thought about us and we weren't afraid of being called racist by other whites. There was still PCness back then. It was just that the people who had to think about what they were saying were people who might be labeled a "—— lover." And it was blacks who had to worry about sounding "uppity" (for which the sanction was far worse than social embarrassment).

It used to be that men could talk freely about a woman's place because we did such a good job of keeping her there. There was such apparent consensus among men that we didn't have to worry that what we said would have any effect on our lives. The people who had to worry were those who were afraid of being

called "—— whipped."

It used to be that heterosexuals could talk freely about how much they hated homosexuals with out fear that they might be thought of badly by their peers. It was people who thought persecution of homosexuals and lesbians unjust who were silenced by the fear of being labeled homosexual — and the very real physical, social and economic sanctions that went along with the label.

The result of political correctness, according to those opposed to it, is one-sided debate. The incorrect have learned to either say the politically correct (rather than what they truly think) or to say nothing. The rest are either frightened into silence (out of fear of being mislabeled) or are forced to think about about every word they say.

Imagine. People forced to think about what they are saying.

It's about time.

Speech is an act of communication. To function effectively there must be agreement between speaker and listener about the meanings of the words that are being said and are being heard. When someone objects to a word you use, it is because of the baggage attached to that word. If you want the baggage, fine, use the word. But accept the social consequences of your position. If you reject the baggage, then use a word without it.

If you are frightened into silence, maybe its time you stop being such a wimp. You are about to become a lawyer. If you are afraid of what some people may think about you, its time you wake up. You are about to join a profession

of assholes. If the general public doesn't think ill of you, your colleagues certainly will.

Think about what you believe and what you want to say and then say it. If you get labeled something you don't think you are, either you need to learn how to communicate more effectively or you need to reevaluate who you are.

Unfortunately, what is PC depends on what your peer group is. Whatever the reason, the university setting tends to be more liberal than what most of us knew before law school. However, soon enough, most of us will leave the university and return to a world where what is PC is quite different.

We will go to law firms where we will still hear jokes that are quite PC (as long as they are whispered). PCness will prevent people from advocating radical ideas openly (such as that we should raise taxes in Michigan rather than cut payments to people on welfare). It'll become unPC not to drink Coors Beer, and we'll all anxiously await the time when we can attend a Tigers game as the guest of Mr. Monaharr.

* * *

There is a virulent form of PCness that does trouble me. Some professors at some institutions apparently avoid difficult subjects out of fear that they will be shouted down by students who see themselves as the PC police. I am troubled that these professors think it is more PC to avoid difficult subjects rather than either confronting them or having campus security remove truly disruptive students from the classroom.

In My Opinion: PC is Bogus

By Robert Mandel

People have an extraordinary ability to listen to and not really hear other points of view. As counter-intuitive as it may seem, law students are particularly adept at this behavior. I think the notion of political correctness tends to encourage this malady.

"That's not politically correct." Have you been a victim of this damning phrase yet? Well, if you haven't heard these words, then you probably don't go out much because "politically correct" (or "P.C." for short) is the catch phrase for 1991. It's also one of the most annoying phrases that I have ever had the great misfortune of hearing. And, of course, it's not just the words that are disturbing; it's also that snobbish tone of voice and repulsed facial expression that goes along with the utterance. The whole experience can make you feel as if you've just informed your fellow conversationalist in person of some new verbally communicable strain of Herpes and that, furthermore, you were diagnosed with it yesterday. Without having conducted any reasonable inquiry into fact or existing law and without any proper purpose in mind, I now wish to plead on behalf of the victims of this most disturbing

label that "politically correct" is a meaningless, self-serving phrase that hardly deserves the popularity it has acquired in American discourse. (And besides, it just bugs the shit out of me.)

So what exactly does the term "P.C.", as commonly used, really seem to mean?

Rob's Re-Definition(s): *Politically Correct Statement* (pə lit' i k' le kə rekt' stat' mənt) n. a statement of one's belief or opinion on an issue of controversy that happens to conform to the particular subjective viewpoint of the person to whom the statement is addressed. *Not-P.C. Statement*: Any statement that happens to conflict with the opinion of the person who slaps the "Not P.C." label on your back.

You see, "politically correct" is not merely used in reference to the opinions of the left. My experience has lead me to believe that it's used by many people simply to criticize other viewpoints. I do not mean to criticize the ideas that have been labelled "politically correct"; I intend, rather, to criticize the current use of the label.

I believe that people use the phrase as a verbal weapon and, for that reason, I find its use troublesome. Perhaps the people who use this

phrase should really be divided into two groups: the "opinionless" and the "opinionated". Group 1 consists of those individuals who make it a point to keep a repertoire of "P.C." statements close at hand. They spend hours each week trying to memorize new "P.C." statements and, if this fails, they write them on the soles of their shoes, their palms, their jeans, armpits, or whatever. The individuals in this group never give and have never given any serious thought to the actual subject matter that elicits the particular "P.C." phrase. Hence, the "opinionless". Members of Group 2 have, on the other hand, given at least some thought to the issues. Yet this is the group that I'm most concerned with. These are the people who form an opinion of some sort, define it for themselves as "truth", and label it "politically correct". Hence, the "opinionated".

For the "opinionated" person, the use of the phrase constitutes an attempt to cloak one's own viewpoint on a particular issue with some sort of moral or ethical legitimacy. What the person who utters this phrase would have you believe is this: It's not just that the statement of your belief is "Not-P.C." because I disagree with it; rather, your statement is "Not-P.C."

because society disagrees with it. Well, it seems to me that such a person bases her argument on at least three very weak premises if she believes that society speaks with one voice, that society speaks to her and that she possesses some omniscient quality which enables her to understand just exactly what society is saying and believes to be right. Listen Mr. Politically Correct, if I say something that you find repugnant, abhorrent, or indecent, something lewd or lascivious, just tell me that you find it so. Please, clobber me with your criticisms. I can take it, really. But I beg this one favor of you: Please, please, please don't tell me that I'm not politically correct because, quite honestly, I don't believe that you have the foggiest notion of what you're talking about.

In the end, I think that those who hit us with the phrase "Not-P.C." do a greater disservice to themselves than to us. Having performed their self-coronation, having placed the crown of correctness upon their own views, they then lay back and rest their weak minds without further contemplating the issues at hand. Meanwhile we, the "politically incorrect", bearing the weight of "society's" condemnation on our shoulders, continue to listen, hear, and learn. And in my opinion that's what it's all about.

The Rebuttal Column

By Chuck King

Two weeks ago, the *R.G.* editors asked the law school community to express its opinions on the subject of "political correctness" and its impact on education. In a nutshell, I think it's having the same effect on higher education that leukemia has on the average human, but I'm not going to go deeply into specific problems. The destructive effects of the PC movement have been well documented elsewhere. I'm sure a number of people will write in to the *R.G.* on the subject; I would also recommend the winter 1991 issue of *Campus* ("America's student newspaper") for a good synopsis of some of the big problems with the PC mentality. In this column, I'd like to discuss what I consider the causes of the weed-like growth of this ideological phenomenon.

The following paragraph appeared in the "Open Letter to the Law School Community" in the March 12 *R.G.*:

There is an academic revolution afoot. Major universities have acquiesced to a widespread movement toward wholesale reforms of the curriculum, admissions criteria and other aspects of university life. The debates surrounding these reforms are often less academic in nature than ideological. While most academics desire more teaching of great works written by members of other cultures, there are activists who want the criteria to be defined less in terms of greatness but sheer member-

ship. These same activists define the debates in such an absolutist way that prohibits disagreement with their "politically correct" positions on issues of race, gender, and sexual preference. Thus, there is no real discussion at universities, especially with the proliferation of policies that sanction certain types of speech.

The telling sentence in the above paragraph is, I think, the fourth: "These same activists define the debates in such [sic] an absolutist way that prohibits disagreement with their 'politically correct' positions on issues of race, gender and sexual preference." Discussion with these characteristics reminds me of discussion in another context, one where almost by definition questioning of the underlying premises is not allowed: religion.

This is somewhat ironic since most of the big religions and the PC mentality are mutually exclusive, given that to one extent or another, the big religions in America are anti-homosexual, sexist, and/or racist. The exodus of Americans away from religion has been going on since long before the PC movement began, though. My personal theory is that for the generation that has grown up without religion, the PC ideology fills the spiritual void created by that exodus.

Why did religion develop in the first place? (If you are a religious person, assume for the sake of argument that I agree that yours is the true religion. The question then becomes, why

did all the others develop?) Initially, people had questions they couldn't answer, so they came up with tales of divine beings to explain why the sun rose, why seasons changed, why the world existed and why people lived and died. In religions where the supreme being had a plan for humanity (such as Judeo-Christianity and all its subcategories, which have so influenced Western thought), the question "What are right and wrong?" is answered in terms of the will of God. That's one of the most profound questions a person can ask, and, I think, the one for which people are most likely to turn to religion for an answer.

Just because Americans have moved away from religion in a big way doesn't mean they don't still ask the same questions. That's where the politically correct way of thinking comes in. It provides a moral framework. It's possible to come up with theories of good and evil based on extensive philosophical contemplation, but it's much easier to adopt a comfortable ideology from the world around you. For people who eschew traditional religions, political correctness is just such a comfortable ideology.

Unfortunately, in the grand American tradition that stretches back to the *Mayflower*, PC advocates claim the moral high ground, and try to use it to influence what gets taught in schools. I have no problem with anybody who tries to expand what *can* be taught in schools, but I have big problems with anyone who tries to say

what *can't* be taught. Just as Christian fundamentalists burn textbooks which teach Darwinist theories because they don't comport with their views, PC activists condemn the teaching of traditional history and Western civilization courses because they don't reflect their values. In both cases, the groups in question use their numbers to cram their views of science and history respectively down the throats of the unsuspecting and malleable youth of the country.

But in this regard, I think the PC people are even worse than the religious groups engaging in the same conduct. At least religious groups claim that their beliefs come from God. If you believe there is a God, and that He is supreme over humans, then I can understand why you work to make education consistent with His decrees, although I may not agree with you. PC advocates, however, can make no claim of divine authority for their beliefs. They come from people, people who are no better or worse than anybody else. There is no reason that their ideas shouldn't be questioned, no reason why they shouldn't have to defend them, and most importantly no reason why they should play the least role in dictating what gets taught in the universities of this country, which I always thought were supposed to be forums for the exchange of ideas, not indoctrination camps.

Diversity Requirement is Wrong

By Eric Restuccia

The current diversity class requirement for undergraduates is fundamentally inconsistent with the nature of this University as an Enlightenment or classically liberal institution. At its foundation, the Enlightenment university seeks to create an environment in which students may use reason in a critical inquiry in pursuit of truth. The University shall allow students to pursue this end without imposing preexisting notions of truth. As a result, it does not hope to inculcate certain conclusions but rather hopes to challenge students rationally to review their beliefs in the cold light of reason. Thus it does not create this environment or process in order to prepare these students to serve as apologists for any substantive orthodoxy. Rather, the Enlightenment university breaks from the medieval university in which such study prepares one to defend the existing conclusions of the institutional founder. One of the underpinning principles of the Enlightenment was to liberate scholars from the prevailing orthodoxy which condemned harshly aberrational thoughts or conclusions.

This Enlightenment process presupposes a certain understanding of human relationships. It focuses on the individual and recognizes reason as the proper instrument with which one may establish knowledge. The university also suggests that the pursuit of truth is the proper one, only leaving the landscape of conclusions open for students and scholars to fill. Finally, it propagates the idea that students may identify themselves through their individual beliefs.

With this understanding of the Enlightenment university, one may review and criticize the University of Michigan diversity requirement. The required content of the course mandates that "all courses satisfying the diversity requirement must provide discussion, consistent with disciplinary approaches of: (1) the meaning of race and ethnicity; (2) racial and ethnic intolerance and resulting inequality as it occurs in the United States or elsewhere; or (3) comparisons of discrimination based on race, ethnicity, religion, social class, or gender." In its conception, this class requirement suffers from three fundamental failings when contrasted with the proper understanding of this University.

First, the requirement suggests that physical differences alone carry differences of important meaning. This conclusion is necessarily true only if the University defines one's ultimate identity in terms of the person's physical characteristics. Thus the University understands its students as functions of their physical characteristics, allowing a subset to speak for the whole because one knows that the group is monolithic in its identity. This framework only encourages group representation and destroys the capacity of self-identification because the University has already established what defines the diversity you offer, your physical characteristics over which you have no control. In this framework, the individual is secondary to the kind of group oppression that a class of students has suffered.

The University may attempt to save itself from this fall by arguing that the physical

characteristics only serve as proxies for the different circumstances that students have encountered. Thus students with varied experiences will bring different perspectives and challenge the entire community. This response mitigates the problems, but nevertheless does not ameliorate the primary inadequacy because the University selects the groupings. These selections then suggest which kinds of diversity the University of Michigan finds relevant.

This response brings the argument to the second failing of the requirement. The diversity class content only offers a limited vision of the true diversity this University enjoys. By selecting a few categories stemming from physical characteristics, the University neglects the richest kind of diversity, that of ideas. Even within a class of persons defined by their physical characteristics, the University will find a wealth of difference and generally these differences are the kind that the University envisioned as its foundation. Students arrive at the University and analyze the range of information and knowledge that scholars offer and rationally decide what to embrace as persuasive and what to reject, and ultimately what to believe. The diversity of thought related to human physical identity in terms of race, ethnicity, and gender serves as a portion of this diversity but it beggars the University to suggest that it exhausts the kinds of meaningful differences that one will encounter.

The final failing relates to the purpose for which the University instituted this course requirement. The faculty, staff, and students

recognized the division that exists within the University community in relation to identity of race, ethnicity, and gender. Ultimately, these scholars and administrators concluded that the University must eliminate racism, ethnic bigotry, and sexism. I applaud these goals as noble and worthy. However, the University cannot coherently invite students to this Enlightenment institution, inform them that it embraces these noble substantive conclusions, and then hope that they will do so after having taken a diversity course.

Understandably, these framers expect that such a course will help enlighten students and destroy their ignorance, hatred, and ugliness. This expectation may be realized if instituted. Nevertheless, the University cannot have these objectives as its end and remain consistent with its Enlightenment foundation. Ultimately, one may be quite ugly and offensive in one's theoretical and intellectual conclusions, but the University shall not find that this idea is any better or worse than any other. It only creates a process for students to pursue their notions of truth. Conceptually, it does not require or even expect them to embrace any preexisting notions of rightness. The process does suggest certain conclusions like the primacy of the individual, self-definition, importance of reason and rational inquiry, and dialogue, but it does not require nor even encourage students to embrace these principles as substantive conclusions.

The Docket

Friday, April 5

A forum on "Bankruptcies, Workouts, and Turnarounds" begins at 10:15 a.m. in Hale Auditorium, sponsored by the Harris Center. Panelists are: Peter C. Fitts, Division Executive, Citibank; C. Russel Luigs, Chairman, President, and CEO, Global Marine Inc.; Robert S. Miller, Vice Chairman, Chrysler Corp.; Michael Price, President, Mutual Shares Corp.; Leonard Rosen, Senior Partner, Wachtell, Lipton, Rosen & Katz; Wilbur Ross, Senior Managing Director, Rothschild, Inc.; David M. Schulte, Managing Partner, Chilmark Partners; Gerald H. Turner, Senior Vice President, Bank of America; Samuel Zell, Chairman and President, Equity Financial Management.

George Ariyoshi, Governor of Hawaii from 1974-1986 (U. Mich. Law, 1952), will speak on "Asian Americans and Political Leadership" at 3:30 p.m. in room 250 Hutchins Hall. A reception will follow. Sponsored by the Asian American Law Students Association, the Michigan Law School, The King/Chavez/Parks Program, the American Culture Program, and the United Asian American Organization.

The Black Law Students Alliance is proud to present its second law symposium entitled "The Changing Focus of the Drug Wars: The Abridgement of Fundamental Rights in the War on Drugs." The Symposium will be held in Honigman Auditorium (Room 100), Hutchins Hall, and continues on Saturday. The Black Law Students Alliance encourages all students and faculty to attend to ensure the success of this effort.

4-5 p.m.: Keynote Speaker Dwight Green will speak regarding current issues in the War on Drugs in Honigman Auditorium.

5-6 p.m.: All students and faculty are welcomed to the Black Law Students Alliance's wine and cheese reception following the keynote speech.

Saturday, April 6

"The Changing Focus of the Drug Wars: The Abridgement of Fundamental Rights in the War on Drugs," a symposium sponsored by Balsa, continues in Honigman Auditorium.

9 a.m. - Noon: Speaker Rev. Calvin Butts and a panel discussion regarding the infringement of Fourth Amendment rights (search and seizure issues; courier profiles) in the war on drugs.

2-4 p.m.: Panel Discussion regarding women's rights as affected by the war on drugs.

6-9 p.m.: The student body, faculty and administration are invited to the Black Law Students Alliance's annual Butch Carpenter Scholarship Dinner. The dinner will be held at the Michigan Business School - Executive Residence at East University Ave. and Hill Street. Tickets may be purchased from Danielle Agee (2L).

EARLY REGISTRATION CALENDAR & INFORMATION, SUMMER & FALL 1991

DUE TO UNAVOIDABLE DELAYS, THE EARLY REGISTRATION CALENDAR HAS BEEN MOVED BACK A BIT. PLEASE CHECK THE DATES BELOW

April 3, 9 a.m. - Early Registration Materials Available. Materials to sign up for courses in the Fall 1991 term will be available including course descriptions, sign-up sheets, class and exam schedules and fee forms. Room 300 HH. Results of seminar & clinic sign-up will also be posted in Room 300 HH.

April 8, 4:30 p.m. - Early Registration (Course Selection) Deadline. All sign-up sheets for courses for the Fall 1991 term must be turned in by this date. Room 300 HH.

April 25, 1:30 p.m. - Early Registration/Course Selection Results. You will receive a copy of your course schedule for the Fall 1991 term. Student pendaflexes, basement of Hutchins Hall.

April 26-30 - Addition of Courses. For students who were "red-lined" from an oversubscribed course and did not get his/her alternative choice or whose alternative choice has created a scheduling conflict. Room 300 HH.

August 12, 8:30 a.m. - Registration for the Commercial Transactions course for the Summer 1991 term- Records Office - Room 300 HH.

Questions and Answers about Early Registration

1. How do I register early for next fall?

You should come to Room 300 on Wednesday, April 3rd and pick up an updated copy of the

fall 1991 schedule and Winter 1992 schedule, fall course descriptions, fall exam schedule and a course election sheet. You will also find materials (on yellow paper) describing the registration process and a set of materials on course planning. After reviewing these materials, you should complete the course election sheet and return it to the Records Office, Room 300 Hutchins Hall, by 4:30 p.m. on Monday, April 8th.

2. Why should I indicate alternative choices to my first-choice classes?

Some classes are oversubscribed and we have to cut (redline) a number of students from these classes. Redlining is usually done in order of graduation (i.e. those students who graduate in December 1991 have preference over those who graduate in May 1992, etc.). Thus, it is a good idea to indicate two alternative classes you would like to receive if you do not receive the course you indicate as your first choice. You should indicate specific alternatives for each first choice course. If you just list the same alternative for each course and if you are redlined more than once, we will not have an alternative course in which to place you. Also, sometimes alternative choices can become oversubscribed. So it is a good idea to list more than one. Students who do not list an alternative choice will not be placed in any course if they are redlined. These students will then be left to choose from the classes that are left over after everyone has been preregistered. It is therefore to your advantage to indicate alternative choices on your election sheet.

3. How do I know if I got a place in a seminar, clinic, or practice/simulation course?

Lists of students who received places in these classes will be posted in Room 300 on Wednesday, April 3rd.

4. If I receive a place in a seminar or clinic or practice simulation course, do I need to list it on my election sheet?

No. Students who have been selected for these courses have been automatically enrolled in the course. If you do not wish to accept the spot in one of these courses, you should complete a drop form and turn it in with your election sheet so that we may give the spot you do not want to another student. If you are on a waitlist, please do not list that class on your election sheet. You must wait until you are notified of an opening. If you are on a waitlist but are no longer interested in the class, please let the Records Office know so that your name can be removed from the waitlist. This helps others move more quickly into any openings as they occur.

5. What if I am placed in an alternative choice which causes me to have a time conflict?

We will have a special drop/add period from April 26 to April 30 for those students whose alternative choices caused a time conflict in their class schedule. Regular drop/add for all other students will not begin until the first day of Fall classes in the afternoon.

Notices

PARKING - University Parking Services has 500 parking spaces available for student parking for the 1991-1992 fiscal year (Sept 1- Aug 31). The cost is \$244 each and the spaces are located in lots:

SC-9 Coliseum (Hill & Division) 200

NC-25 (North Campus Commons) 250

NC-26 (North Campus-Haywood St.) 50

Assignment of these spaces will be conducted through a lottery. All students registered for Fall, 1991 term have an equal opportunity to obtain a space and are invited to participate. Students who wish to be considered for a permit to park in one of our three student parking areas should fill out an application and return it beginning April 1, 1991. Deadline for applications is September 1, 1991. For more information, pick-up an application from the receptionist on the third floor of Hutchins Hall.

Senior Day: Any student who will be graduating in May, August, or December 1991 may participate in the May 12, 1991 Senior Day ceremony. If you plan to participate, it would be appreciated if you would pick up a registration form from the Receptionist on the third floor of Hutchins Hall, fill it out and leave it with the Receptionist. We need to know how many plan to participate and how many guests to expect. If you plan NOT to attend, please fill out a registration form anyway - put your name on it and check the box indicating that you will not be participating - and leave it with the Receptionist. This way we will know definitely that you are not attending. The deadline for registering is April 15.

LOST ANYTHING IN THE LIBRARY THIS TERM? Check the Lost and Found in the Library's Administrative Offices, Room S-180. We have books, papers, notebooks, ID, keys, glasses, clothing and more. Hours: 8:00 to noon and 1:00 to 5:00, Monday through Friday. We also have many copy cards. If your name is on the card you can come and see if your card has

The Docket

been turned in.

Any student interested in spending the 1991 fall term for credit at the Leiden Law Program or the Institute for European Studies at the Free University in Brussels, should see Assistant Dean Virginia Gordan by April 12, 1991 and bring a completed application form. Information on each program and application materials are available in 307 HH. Fluency in French is a prerequisite for the Brussels Program. The Leiden Program is conducted in English.

INTERNATIONAL/GRADUATE STUDENT ORIENTATION LEADERS ARE NEEDED: Students interested in becoming an orientation leader for incoming international students during the fall orientation, should pick up an application form in Room 307 HH as soon as possible. Orientation is scheduled for Thursday, August 29 and Friday, August 30, 1991 and leaders must be available for a pre-orientation meeting on Wednesday, August 28, 1991. Please see Roberta Nerison-Low (307 HH) for any further details.

The Law School Student Senate Speakers Committee needs a new Chairperson for the 1991-1992 academic year. The Committee is responsible for administering a \$4000-5000 annual budget from LSSS plus a sizable grant from a Detroit-area law firm. The LSSS money is distributed to various law school student groups upon the recommendation of the Speakers Committee. The grant money funds the Clark, Klein & Beaumont Lectureship Series, which is presented by the Committee itself. Previous Lectureship Series speakers have included Sen. Joseph Biden, Professor Derrick Bell, and David Gergen. Chairing the Speakers Committee involves real responsibility for substantial resources and the opportunity to personally meet many of the prominent speakers brought to campus. Interested 1Ls and 2Ls, please leave a brief note discussing your interest in this position in Jim Ratner's pendaflex or in the Speakers Committee mailbox outside the LSSS office. Remember to include your telephone number.

Contests - Please see Lisa Buyckes (310 Hutchins Hall) for details on the following contests:

The IADC is sponsoring the 1991 **International Association of Defense Counsel Legal Writing Contest**. Subjects include: admiralty, alternate dispute resolution, civil procedure, conflicts of laws, contracts, evidence, federal courts, law and medicine, remedies (damages and restitution) and trial and appellate advocacy. Cash prizes of \$2000, \$1000, and \$500. Articles must be submitted by April 15, 1991.

The **American Association of Nurse Attorneys Foundation (TAANAF)** announced the first annual Cynthia E. Northrup Memorial Essay Competition in nursing law. The winner will receive a \$500 award. The deadline is April 15, 1991.

The **National Association of Attorneys General** announces the third annual Clearing House Project Student Writing Competition for the annual law review, Emerging Issues in State Constitutional Law. Deadline is April 19, 1991.

MINORITY AFFAIRS PROGRAM: The Minority Affairs Program (MAP) is soliciting applications from students interested in working as student assistants during the 1991 summer term and for the 1991-1992 academic year. Applicants should submit to Mickey Slayton (303 Hutchins Hall) by April 8, 1991, a resume and short statement delineating the reasons why they seek the position and the contribution they could make to MAP. The statement should indicate whether you wish to be considered exclusively for a summer or academic year position, or for both and whether you have had any writing or teaching experience. If you have any questions, feel free to contact Assistant Dean Virginia Gordan (303 HH) during her office hours or call (764-5269).

NEED A SUMMER JOB? The Michigan Law Review seeks to hire four student clerks to work over the summer. Duties will include citechecking, proofreading, and administrative tasks. Positions are available until August 16 and are for 40 per week. The pay will be \$6 per hour. Applicants will be asked to complete a 3 hour citechecking test. If hired, they will be compensated for this time. Interested students should contact David Wille at 764-9044.

IF YOU STILL NEED MONEY, APPLY NOW. All students who have yet to apply for Stafford, SLS and/or LAL/LSL loans for this term should do so by April 5, 1991. After that date our office cannot guarantee that your check will be here before the last day of classes (we can't release checks to students if they aren't enrolled).

APPLICATIONS ARE NOW AVAILABLE for the LAW ACCESS Bar Study Loan. Stop by the Financial Aid Office to pick one up. To be eligible for one you must apply no later than one month after graduation. In addition, you must have been a prior LAW ACCESS borrower in order to be considered for this loan.

Native Americans Speak on Indigenous Struggles

"Native American rights are the miner's canary of American democracy," urged Chippewa activist Walt Bresette, addressing a crowd of approximately 100 people as part of Native American Law Day on Friday.

Bresette explained that the hunting, fishing, and gathering rights which the Chippewa retained when they ceded the northern third of Wisconsin to the U.S. government in 1837 had been eroded by a combination of state action and private harassment.

For many years, according to Bresette, the state of Wisconsin enforced state game laws against the Chippewa, in violation of the 1837 treaty. A federal court enjoined Wisconsin from enforcing game laws against the Chippewa in 1983, but Bresette says that his people now face violence and intimidation when they try to exercise their treaty rights.

"The only people spear-fishing are those willing to risk their lives. Everyone else has lost their rights in northern Wisconsin," he said.

Bresette is the founder of the Witness for Non-Violence, an organization which sends observers to the lakes of northern Wisconsin each spring to witness the "terrorist violence, hate crimes, and acts of racism" directed at Chippewa who try to go fishing.

Bresette said that the Chippewa rights are perceived as obstacles to the growth of the tourism industry, the spread of big business, and the mining of resources. The Chippewa are under constant pressure to sell their rights, but, says Bresette, "we can't sell our rights because those rights don't belong to us. They belong to our grandchildren and to the animals."

Lawrence Courtoreille, a Cree from north-eastern Alberta, spoke after Bresette and elabo-

rated on the threats to the way of life of indigenous peoples.

In addition to big business and hunters who complain that Indians monopolize natural resources, Courtoreille pointed to animal rights activists as a major threat to Native American rights.

"The anti-fur movement is a bunch of middle-class white kids who don't know anything about conservation or living alongside animals," Courtoreille declared.

He also alluded to the racism engendered by economic hardship. "The young white people are struggling to make a living and then they read that their tax dollars are going to help Indians, and it causes hatred."

The last speaker of the day was Sioux Chief Oliver Red Cloud, great grandson of the original Chief Red Cloud, who defeated the American Army in the Powder River War. Chief Red Cloud, who wore traditional head-dress and jewelry to the event, lamented the situation of Native Americans on the reservations.

"The Indian people are fighting for freedom and justice. There is no future for the Indians back on the reservations," he said.

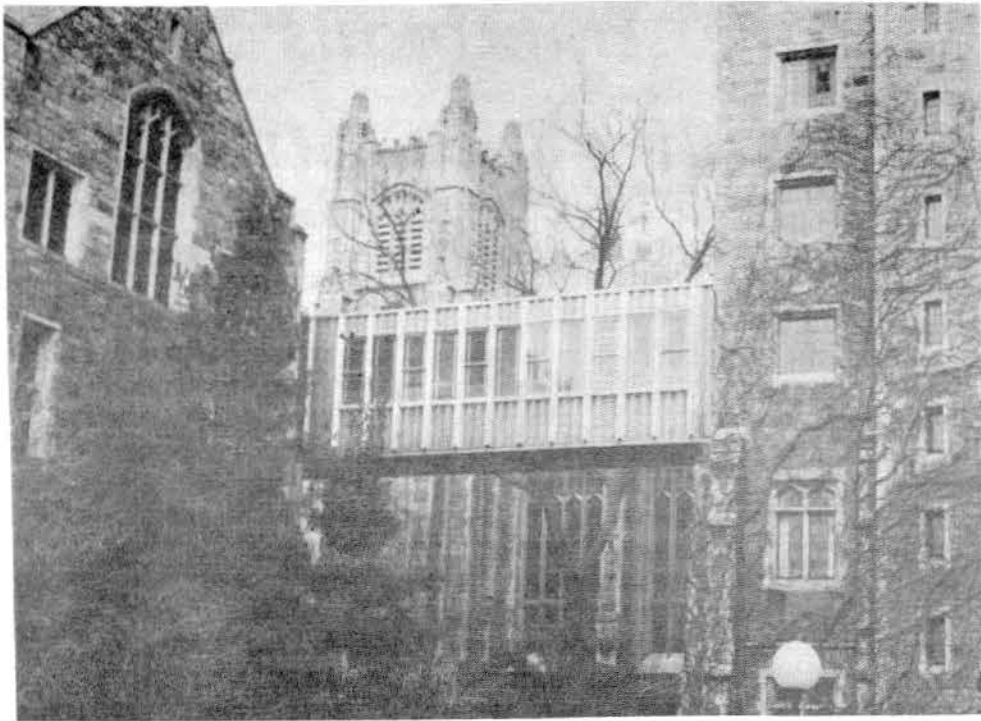
Chief Red Cloud pointed to alcoholism and inadequate education as the most serious problems on the reservations.

He urged the young people in the audience to visit the reservations and to help Native Americans in their struggle. He also said that he hoped Native American students would study law at Michigan so that they could eventually work for Native American rights.

Native American Law Day was sponsored by the Native American Law Students Association.

Answers to crossword puzzle





Top Ten Rejected Mottos for U of M Law School

By Andrew Manitsky

10. The School with the MobileHome Hallways! (see picture)
9. The Number One School!
8. A Top 5 School!
7. A Top 10 School!
6. It's Bollinger-iffic!
5. You Give Us Three Years — You'll Put on the Weight!
4. Harvard's Not that Great Anyway!
3. U of M — Jacoby & Myers: A Partnership for Life!
2. Dial L-A-W-S-K-U-L Today!
1. Guaranteed Job!

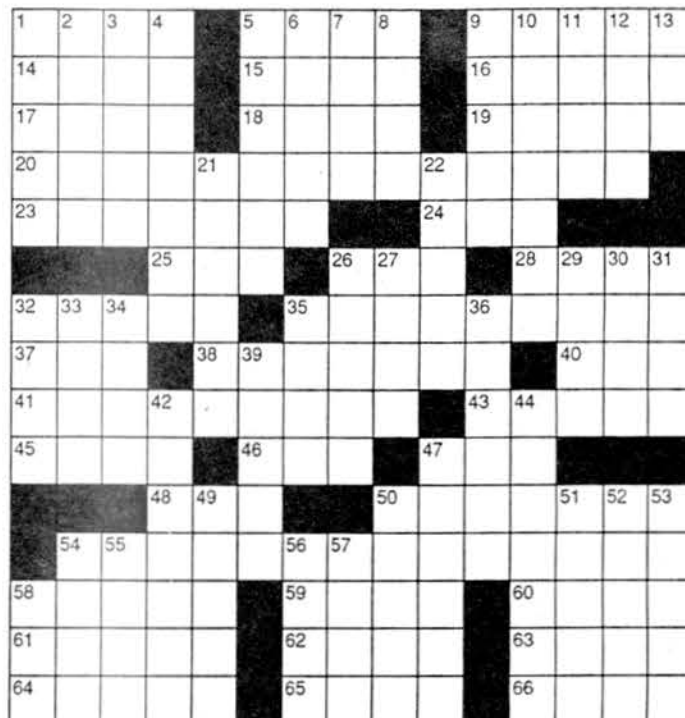
That Dark Arts Column
By Spencer Gusick



Res Gestae

Crossword

By Aaron Mead



ACROSS

1. Son of Adam
5. Kind of bread
9. Campus sections
14. Dwarf exclamation
15. State
16. Outstanding, as a need
17. Long time
18. Tarzan's girl
19. More slippery
20. Torts lecture, perhaps?
23. Pours down
24. Sugar (suff.)
25. Mexican Mrs.
26. Canning need
28. Oodles
32. Animal
35. Wire
37. Under the weather
38. Criminal law student, maybe?
40. Deserved
41. Salad ingredients
43. Pit
45. Unhearing
46. Asner and Sullivan
47. A Chorus Line song
48. Mideast fruit
50. End of the spectrum
54. Holiday spent reading open memos, perhaps?
58. Ease of movement
59. Address word
60. Medieval wood
61. Witch-burning site
62. Church area
63. Cigar end?
64. Imitators
65. Apiary residents
66. Letter opener

DOWN

1. G.B. and family
2. Pieces of ____
3. "They gave ____ all..."
4. Twinkie maker
5. Type of party
6. Certain Russian men
7. Cash drawer category
8. Region
9. Smart remarks
10. Not understood
11. Female friend, in France
12. November target
13. Orchestra sec.
21. Comedian Short
22. Edible mushroom
26. Dungarees
27. Bar brews
29. Tramps' companion
30. "Bloom County" character
31. Common articles
32. Former egg
33. Robert ____, Civil War general
34. "Hawkeye" portrayal
35. Stepped on
36. Big guys
39. Attack on a city
42. Cop
44. Docked
47. CO and others
49. Shopping list entries
50. Wipe out
51. Overact
52. Island south of Sicily
53. Organic compound
54. Prepare a present
55. Robust
56. Cancer sign?
57. Chance of success
58. Cookie-selling org.

SPEAK UP!

Submit
your
thoughts to
The Res Gestae.

MSA Elections Poorly Run

by Peter Mooney

Continuing a legacy of incompetently run elections, the Michigan Student Assembly (MSA) failed to staff the law school polling place Wednesday. And on Tuesday, when polling place was manned, law students were turned away or given the wrong ballot.

Leaving the voting table unattended was not an insignificant mistake. Not staffing a polling place can determine an election. Last year the first and last place candidates for MSA from the law school were separated by only 15 votes out of nearly 400 cast. This year, the spread between the first and second place candidates was only 13 votes.

One might have presumed that past experience would ensure a more smoothly run election this time around. Last year, MSA elections were marred by candidates' names being left off ballots, students voting for candidates to represent other schools, and, like this year, eligible students being turned away at the polls.

This is not a condemnation of the election director. Rather, it's a condemnation of the

Assembly as a whole. Past experience should have led them to anticipate problems and prepare for them. In a year in which its leaders have beseeched the administration to respect the assembly's legitimacy, a successful election would have demonstrated MSA's importance, not its incompetence. If MSA ever hopes to be seen as more than a self-absorbed, ersatz legislature, the first step is to ensure its elections are fair.

Nothing here should be seen as questioning the legitimacy of Michael Warren's election. The point is that regardless of whether it would have a decisive impact, many law students did not vote because of the mistake. To the extent democracy, even student democracy, depends on participation, MSA has failed.

Even if leaving the law school polling place unstaffed was the only snafu this year (which seems quite unlikely), the newly elected Assembly should immediately investigate ways in which elections can be restructured to protect against future problems.

Role of Athletics In the Ivy League

Maryland football broadcaster on the academic achievement of the Terrapin football team:
"They make straight A's, but their B's are kind of crooked."

Bear Bryant, legendary football coach of the University of Alabama on the role of academics at a University:

"It's kind of tough to rally around a math class."

By Dan Israel

It is late November and the season finale, The Crimson of Harvard and the Quakers of Penn playing for the Ivy league championship, and a berth to go to no bowl at no time, but simply to be named the outright champion of the league. The Harvard quarterback steps into the huddle for this huge third down and seven play. The Crimson are trailing the Penn Quakers by the score of 10-9 with three minutes to play. The Harvard quarterback shouts out the play in the huddle: "square of 36, - cube of 29 - 17 to the tenth power on 3, ready break."

To many people, this is their conception of what actually takes place in the huddle of in an Ivy league football game. Are they right? The answer is no. However, this misconception is brought about by the way people view athletes in the Ivy league.

They are a bunch of brainy kids who all got 1400 on their S.A.T.'s, come from Long Island and are preparing themselves for a life of rigorous academic pursuit, or a job with Goldman Sachs. Athletics to these people are merely a way of having a good time and maybe venting some frustration if you happen to play a contact sport.

Surely, none of these people are preparing themselves for a life as a pro-athlete or even as a coach. To many there is a belief that personal-best performance is not even that important to these individuals, the sole objective is to be involved in an activity, the place where the hard work is put in is in the classroom and in the library.

To what extent is this true? Obviously the answer varies from athlete to athlete, but the objective of sports as put forth by the Ivy league is clear: Academics come first, athletics second. This has long been the policy of the Ivy league and will remain so for years to come. The most glaring notice of the Ivy League's stress on academics is seen in the fact that the Ivy League schools do not offer athletic scholarships.

You will never see a press conference in a small high school in Indiana, where the number one basketball recruit in the country is signing his name on a letter of intent to play for Princeton and saying: "Indiana and Michigan could only offer me half a ride, while Princeton had a full scholarship open so that is where I decided to go."

The Ivy League believes that the only aid a student should get should be based purely on financial background and athletic talent should

not come into play. Everyone is treated equally, the band member, the artist, and the athlete. This also is supposed to make life a little easier athletically for the Ivy league athlete. There is no need to feel like there is pressure to perform athletically or lose their scholarship. More importantly, the athlete does not have the pressure of continuing on with their sport when their body or mind says it is time to stop, because they will then lose their scholarship and have to pay for their education. Under a no scholarship system, the Ivy league believes the athlete can put as much as they can into sports, ever mindful that it is simply a second to academics and should never come before it. The fear is that under a system where there are scholarships there can be confusion on the athletes part as to where their primary effort should be, athletics or academics.

Is the athlete at the scholarship university getting the message that they are at the University to perform athletically on behalf of the university, and that is their number one priority? When Barry Sanders a running back and Heisman Trophy winner at Oklahoma St. was asked why he was turning pro after his junior year, a variety of answers could have been expected: For the money; because Oklahoma St. was on probation; or because I'm ready to turn pro, all seemed like legitimate answers. His response was: "I've done all I can for Oklahoma St., I've been good to them." This response makes one wonder? Did Barry somehow get the impression that his role at Oklahoma St. was to fill the stadium, rather than to fill a chair with his behind at class. Was his time at Oklahoma St. finished because his number one priority-athletic success, had been achieved. This really makes one wonder because Barry Sanders happened to be a very successful student who was on track for graduation. One can only imagine what these kids we read about who never attend class see their top priority as in college. For some, the reason for not going to class maybe because they don't want to twist an ankle walking over a curb. Obviously, this is not the message that all scholarship athletes are getting, it is more likely the exception than the rule. However, in the Ivy League any confusion what so ever is eliminated by not giving athletic scholarships.

The Ivy League further shows its commitment to academics first in that the Ivy League schools refuse to accept athletes into their programs who they do not feel will be strong students first. This is not to say that coaches in the Ivy League have no pull in the admissions office. It certainly does not hurt to be the number one recruit on a coach's list. However, no one will be accepted if they have not shown in high school, and on their college boards that they have the ability to succeed academically at an Ivy League institution. At many schools a football or basketball coach may be able to walk into an admissions meeting and tell the admissions director that despite the fact that an athlete has not succeeded academi-

cally in high school, they are going to fill the stadium every Saturday so they should be accepted. In the Ivy League one will never see the Proposition 48 athlete, although they very well may be able to make it academically at an Ivy League school, because the athlete has not shown in high school the ability to compete academically.

The treatment of the athlete at an Ivy League school is another show of the League's commitment to academics first. In a highly publicized court hearing last year in which two sports agents Lloyd Bloom and Norby Walters were convicted of tampering with underclassman athletes, the story of the treatment of some scholarship athletes came to the fore. Ronnie Harmon, a star tailback at the University of Iowa and now with the Buffalo Bills told of his academic course schedule one semester which included Water coloring, Ancient athletics, and Billiards. The reason for taking these courses was to keep Harmon above the 2.0 grade standard needed to remain eligible. Harmon also testified that in his listed major of computer science he had only taken one course during his four years at Iowa. In a similar story, Sports Illustrated reported on a course in the Foreign relations department at Ohio State that no student would find in the course catalog. The course was one in which the Ohio State basketball team all received four credits for keeping a diary during a three week basketball tour of Europe. Once again, these stories are the extreme end of the scale of the treatment that athletes at scholarship schools receive. The point is still clear however, athletes in the Ivy League are not going to receive any special treatment. No special attempts are going to be made to keep anyone eligible, no credits are going to be given for keeping a diary. Going one step beyond this, the League is not going to even set up special exam times for athletes around their practice schedule, or provide training tables for athletes to eat. In the Ivy League situation, the athlete is no different from any other student. If the sport is hampering the academics, the answer is to give up the sport. Academics are first, everything else second, make no mistake about it.

The Ivy League tradition of academic excellence is one that goes back hundreds of years. When one talks of top notch students and top notch faculty, people immediately begin talking about the Ivy League. The hallowed halls where professors in tweed jackets, with long beards and a pipe spend endless hours preparing their young students to be the leaders of tomorrow in all chosen fields. Surely, this reputation is not one that many want tampered with, and neither does this author. At the same time I ask myself is one philosophy right and the other wrong? Surely, to much emphasis has been placed on sports in some of the examples I have given above, yet for each example I have given above there is another like that of Stephan Humphries. While excelling as an All-American offensive tackle for the Michigan Wolver-

ines, Humphries earned a 3.7 in Bio-Medical Engineering and was voted the most outstanding student in his engineering graduating class. After playing five years in the NFL, Humphries has now received his medical degree from Northwestern and plans to make a career designing artificial limbs. Obviously, the examples I gave before and that of Stefan Humphries are both extremes, that each side of the athletics vs. academics debate can point to. If we assume that the norm is more one where scholarship schools place a much greater emphasis on sports, with certain preferential treatment given to athletes, the question becomes whether the Ivy League is right in their academics first philosophy or are the scholarship schools right, where the emphasis on sports is great and the emphasis on academics varies.

The real question becomes, can a high school senior go to Brown on an athletic scholarship, take academics as a top priority, and still have a chance to play Miami for the national championship on national T.V. with a shot at playing pro ball? I think the answer to this question is yes. It is my contention that the Ivy League schools can give athletic scholarships and not lose their emphasis on academics before athletics. As long as the admissions standards are the same as they are now, why not allow the Ivy League school to be able to entice an athlete to go to their school as opposed to another that allows for athletic scholarships. The problem becomes keeping the kids from losing their focus on academics, as has obviously happened at some scholarship schools. The only way to achieve this is through rigorous academic standards to be met to allow participation and to keep the alumni and boosters away from the athletes, therefore keeping any extra money out of the pockets of the athletes.

I realize that what the proposition I have put down here is one that will probably never become a reality. However, I feel if done properly it can be done right and one day we may say the Ivy League with the student-athlete who has the opportunity to get an education, and play for an NCAA football championship.

THE DOCTOR IS
OUT THIS WEEK.

HE'LL BE BACK
WITH MORE
PRESCRIPTIONS
NEXT WEEK!

Put your questions in
Manitsky'spendaflex today!

NCAA Contest Results

With UNLV's snatching of defeat out of the jaws of victory, the final game has lost all meaning for all by nine of the entrants in this year's contest. Thus, we print the the standings for the last time.

The final game will decide who walks away with the grand prize. If Duke wins, Roger Hauptman walks away with the contests grand prize with Pam Barkin, perennial Duke picker, finishing in second. If Kansas wins, Lydia Lorea will win with Roger Hauptman finishing second.

The lone entrant to pick Kansas as the winner, Mary Weitzel, cannot finish in the money regardless of outcome, but a honorary - and worthless - kudo to her.

1.	Lydia Loren	104	(47)	58.	John Christopher	79	(42)	116.	Tom Pinch	69	(40)
2.	Roger Hauptman	98	(40)*	59.	Dave Wille	79	(40)	117.	Elizabeth McFall	69	(39)
3.	Pam Barkin	97	(45)*	60.	Wayne Tang	79	(39)	118.	Sue Weiss	69	(39)
4.	Chris DeLuca	95	(46)	61.	Jon Pendleton	79	(39)	119.	Brian Murray	69	(39)
5.	Kristina Jodis	92	(46)	62.	Christopher Pugh	78	(42)	120.	Gene Sarfoh	69	(38)
6.	Greg Zemanick	91	(41)	63.	Sandy Collom	78	(42)	121.	John Bickers	69	(37)*
7.	Mike Villar	90	(45)	64.	Cheryl L. Takacs	78	(42)	122.	Tony Sanchez	68	(41)
8.	Kristina Entner	89	(43)	65.	David Costanzo	78	(41)	123.	Kristin Martin	68	(41)
9.	John Sommerdyke	88	(49)	66.	Eddie Prein	78	(40)	124.	Kathleen Davis	68	(40)
10.	Brian S. Fleetham	88	(44)	67.	Brad Anderson	78	(40)	125.	Barb McQuade	68	(40)
11.	Laurie Stegman	88	(42)*	68.	Steve Highlander	78	(40)*	126.	Wayne Katz	68	(39)
12.	Lee Flaherty	87	(44)	69.	Matthew Perez	78	(39)*	127.	Dale Zachary	68	(37)
13.	Patrick McGow	87	(43)	70.	Peter Donati	77	(42)	128.	Alec Lenenberg	68	(36)
14.	Dave Moran	87	(43)	71.	Matt Thullen	77	(41)	129.	Chris Sommerdyke	68	(36)
15.	Steve Skwara	87	(42)	72.	Chuck Cox	77	(41)	130.	Scott Calfas	68	(36)
16.	Douglas Cropsey	87	(42)	73.	Dave Poirier	77	(40)	131.	Russ Hahn	68	(33)
17.	Colin Alberts	87	(41)	74.	Danae Powers	77	(39)	132.	Jeff Shewchuk	67	(39)
18.	David Yntema	87	(37)	75.	Chris La Grand	77	(39)	133.	Greg M. Audet	67	(38)
19.	Tom Lullo	86	(42)	76.	Derek Adolf	77	(37)	134.	Andy Clubok	67	(37)
20.	Diane Leutsky	86	(42)	77.	Jill Bickers	77	(34)	135.	Jeff Freeburg	67	(37)
21.	Steve Smith	86	(41)	78.	Todd Schafer	76	(42)	136.	Laurie Allen	67	(37)
22.	Steve Chalk	86	(40)	79.	Chip Cox	76	(41)	137.	L. Bob Gilbertson	67	(34)
23.	Laura Hines	85	(42)	80.	Alice Owings	76	(40)	138.	Eliot Ephraim	67	(34)
24.	Chris Reid	84	(43)	81.	Nicholas Sanchez	76	(40)	139.	Greg Guevara	66	(38)
25.	Sue Kuyvenhoven	84	(41)	82.	Tracy Schrader	76	(39)	140.	Peter Mooney	66	(38)
26.	Jordan Krolick	84	(40)	83.	K. Hooper	76	(35)	141.	Scott Cadieux	66	(35)
27.	David Glaser	83	(43)	84.	Cori Yates	75	(40)	142.	Joe Perkins	66	(35)
28.	Brian Dale	83	(42)	85.	Beth Rickher	75	(40)	143.	Ken Schuler	66	(34)
29.	Praveen Kamath	83	(42)	86.	Joe Zaccaria	75	(40)	144.	Michelle Hall	65	(39)
30.	Rich Willis	83	(42)*	87.	Matthew McQueen	75	(40)	145.	Michael Carithers	65	(37)
31.	Jim Silk	83	(42)	88.	Kathryn Dessayer	75	(39)	146.	John Lapham	65	(32)
32.	Martin Litt	83	(42)	89.	Joel Schreier	75	(39)	147.	John Mueller	64	(38)
33.	Bill Salo	83	(41)	90.	David K. Callahan	75	(36)	148.	Bryan Bulbow	64	(36)
34.	Ellen Marks	83	(40)	91.	Ger O'Donnell	74	(42)	149.	Sang Kim	64	(34)
35.	Chris Yates	83	(39)	92.	Will Walker	74	(39)	150.	Arnold Toole	64	(33)
36.	Steve Pearlman	83	(39)	93.	Bobby Lee	73	(41)	151.	Michael Ross	64	(32)
37.	Jon Sherk	82	(43)	94.	R.J. Haggerty	73	(39)	152.	Andy Kok	63	(39)
38.	Betsey Yntema	82	(43)	95.	Tim Carlson	73	(39)	153.	Anthony Sheehan	63	(38)
39.	David Kravitz	82	(42)	96.	Mark Van Loon	73	(38)	154.	James S. Johnson	63	(37)
40.	Daniel Kolb	82	(41)	97.	Ed Sim	73	(37)	155.	Gordon Toering	63	(37)
41.	Steve Morren	82	(39)	98.	Stefan Scholl	72	(41)	156.	Jeff Stec	63	(34)
42.	Matthew Moore	82	(38)	99.	Tim Labadie	72	(40)	157.	Steve Bishop	61	(32)
43.	Jenny DeLisle	81	(44)	100.	C. J. Peters	72	(39)	158.	Erik Lindberg	60	(35)
44.	Jay Thomas	81	(42)	101.	David Saperstein	72	(38)	159.	Adam Grace	60	(34)
45.	Leon'd Kuyvenhoven	81	(42)	102.	Margo Kirchner	72	(38)	160.	Michael D. Martin	60	(31)
46.	Peter Herman	81	(42)	103.	Paul Grant	72	(38)	161.	Carol Kok	59	(36)
47.	Phil Roselli	81	(42)	104.	Gisele de Chabert	72	(38)	162.	Alice Carroll	57	(33)
48.	Bruce Frank	81	(41)	105.	Tracy Kaloupek	71	(39)	163.	Amy Wintersheimer	57	(30)
49.	Brian Abrams	81	(40)	106.	Danetta Beaushaw	71	(38)	164.	Lisa Schrader	55	(36)
50.	Shelly Miller	81	(40)	107.	Christopher Sanchez	71	(38)	165.	Ricky Brandon	55	(32)
51.	Pete Vorbrich	81	(40)	108.	Jennifer Isenberg	71	(37)	166.	David Bulbow	54	(32)
52.	Elizabeth Calfas	81	(39)	109.	Paul Schwartz	71	(36)	167.	Pat Harris	52	(32)
53.	Mary Weitzel	81	(38)**	110.	Steve Olson	71	(36)	168.	Eric N. Richardson	51	(33)
54.	Aaron Powell	81	(38)	111.	Kraig St. Pierre	70	(41)	169.	Becky Crotty	49	(34)
55.	Mike Berg	80	(42)	112.	Bill Fealko	70	(39)	170.	Rob Lewis	41	(30)
56.	Donnie Willis	80	(41)	113.	Jeff Guelcher	70	(38)	171.	Mark A. Rushin	30	(24)
57.	Steve Farina	80	(38)*	114.	Chris Yin	70	(38)	172.	Al Vreeland	11	(10)
				115.	Dan Shonkwiler	70	(34)	*	Has Duke winning Final		
								**	Has Kansas winning Final		

LAW REVIEW, continued from page 1

ganization, which I think it does, then I completely reject the notion that having an affirmative action policy should bring a stigma to any member of the Law Review." Ms. Godsil thinks that racial diversity can help "bring certain experiences and perspectives" to the Review which might not otherwise emerge.

University of Michigan Law School Professor T. Alexander Aleinikoff, who is teaching a course this semester called "Race, Racism and American Law", noted: "I think there may well be plausible justifications of a Law Review selection policy that attempts to diversify the membership."

Professor Douglas A. Kahn, faculty advisor to the Michigan Federalist Society, is unpersuaded by the diversity argument. "I think it's nonsense. I don't see where diversity has anything to do with scholarship *per se*." Professor Kahn thinks the Law Review is, or at least ought to be, an "elitist" organization, and that programs like the writing competition and affirmative action are what have caused the Review to "lose its special character."

Michigan Law Review, like most top national law reviews, has had an affirmative action policy for many years. And while the issue is considered every year by the Editorial Board in the context of determining its Associate Editor selection process, this year the debate seems to have been more heated and generated more controversy than it has in recent years.

According to supporters of the "Burke-Plants" resolution, the vote did not accurately reflect the true sentiments of some Board members. "It seemed clear to me," Mr. Plants himself noted, "that we had seven solid, unshakable votes two days before the meeting."

Out of the eighteen members on the Editorial Board, three voted to reject the affirmative action plan, and it is estimated that between two and four abstained from the vote. Since the vote was conducted by a show of hands, it is difficult to confirm exactly how many members abstained.

Some who confessed that although, in principle, they supported the Burke-Plants resolution, they nevertheless did not vote to adopt it. Executive Note Editor James E. Hooper cites "pragmatic concerns and personal concerns" as his reasons for voting to retain the affirmative action policy. As he put it, "Winning the ideological battle would not be worth the practical cost."

Mr. Plants, who characterizes the switch by some Board

members as "caving in to political pressure," observes: "In the end, it seemed that political accommodation was more important than doing what was right. To me, the outcome signifies an alarming poverty of moral courage."

Despite Mr. Plants's remarks, at least one Board member claims to have had a genuine change of heart. Executive Editor Dave Wille originally sided with Mr. Burke and Mr. Plants because of his belief in "a true merit system." But "after discussion with minority students," Mr. Wille said, he switched. "No one gets hurt by the policy. I can only see benefits. My gut just said to vote for [retaining it]."

This meeting was the first Editorial Board meeting for the newly elected members. The Editorial Board has traditionally held the responsibility of setting Law Review policy.

Last week, some members of Law Review who are not on the Editorial Board sought the power to vote at the meeting. Contributing Editor Peter Herman distributed a memorandum to all Contributing Editors in which he argued that Contributing Editors "have every right to attend, to participate and to vote at this meeting . . . [and] we have a responsibility to do so."

The move to include Contributing Editors in the voting process appealed to some Law Review members because it "embraced a kind of democratic ideal." The issue of whether Contributing Editors could stay and vote was, ironically, voted on by the Editorial Board alone; since only seven voted in favor of allowing Contributing Editors to remain at the meeting, they were asked to leave.

Many of the Contributing Editors who attended Tuesday's meeting were supporters of the move to abolish the affirmative action policy. It has been speculated that if Mr. Herman had been successful in his push to allow Contributing Editors to vote, the Law Review's affirmative action policy might not have been retained.

Some members of Law Review have even suggested that there is a connection between Mr. Herman's memorandum and the Burke-Plants resolution. Indeed, one member who was present but refused to be identified described the move as a political ploy to "stack the deck" on the affirmative action vote. But Mr. Herman retorts: "The charge is false. If anybody had political motivations, it was those who sought to exclude us knowing that they otherwise had that vote locked up."

It seems that most Contributing Editors had many reasons

for going to Tuesday's meeting, but the main reason appears to be curiosity about their rights and responsibilities. "There are several reasons why I went—mostly to find out what rights we had previously and have now," said Contributing Editor Craig Allison.

Tom Shaevsky, also a Contributing Editor, said, "I was confused about the [voting] policy because everyone was telling me something different. I showed up to find out what the policy really is."

Professor Kahn stated that, under the Law Review by-laws, the Editorial Board did not have the power to single-handedly enact a major policy like affirmative action in the first place, much less the power to abolish a major policy. Ms. Yates responded, "To my knowledge, the Michigan Law Review has no by-laws. To the extent that any such by-laws existed, they are no longer in effect."

The *Res Gestae* has been unable to confirm or deny whether the "By-Laws of the Michigan Law Review Association," adopted in 1947 and amended in 1965 and 1977, have been repealed.

Many are worried about minority student reaction to last week's meeting. Juan Torres, chair of the Hispanic Law Students Association, is concerned. "I'm disappointed that [affirmative action] became an issue, and I'm not surprised." He adds, "I'm happy about the results, but I'm not optimistic about the future."

Virginia B. Gordan, Assistant Dean for Student Affairs, was also concerned. "If [the Editorial Board] were to seriously consider changing any major policies, including the affirmative action policy, I would hope that they would consult the student body, faculty, and dean about the impact of such a change before reaching a decision." Dean Bollinger could not be reached for comment.

Some students are pleased that the issue is finally being discussed.

Executive Editor James Hopenfeld says, "An open vigorous debate within the law school community about where the Michigan Law Review ought to stand would be healthy."

Law in the Raw

By Blum, Oana, Welsh & Wisotzkey

Helpful Hints

A brick mason in the midwest was recently picked up on a 10-year-old beef for marijuana possession after court authorities discovered they'd made an error. The mason had been convicted of felony possession ten years earlier, but somehow his paperwork got screwed up and no one told him. When asked why he never reported to prison to begin his two-year sentence, he replied, "The judge never said to."

- Spectator (Written and Published by the convicts of the State Prison of Southern Michigan, Jackson, Michigan)

Who Elected This Guy?

New Mexico state Rep. Ray Vargas, answering a DWI charge in November, said he suffers from candidiasis, a rare disease that causes him to brew alcohol internally. An expert consulted by Vargas said bacteria and yeast overgrow in the stomach and cause ordinary carbohydrates to ferment.

The prosecutor argued that it didn't matter where Vargas got the alcohol. The judge agreed and found Vargas guilty.

- City Paper

(Thanks to Michele Estrin)

Vested Interests

None of you prospective lawyers will ever get the wonderful opportunity to do jury duty anyway, but this may help your friends and relations to avoid their civic duty as well. In a Chicago (once again home of the graveyard vote) voir dire, Judge Mackoff's habit of asking jury candidates about their adult children paid off. When questioned what his child was up to, a man retorted, "Two to six in Stateville," a state prison. Excused.

Candidness Continued

A witness, possibly a relative of the Chicago man above, responded to deposition questioning about his education by telling it like it was. He said he got through two years of college at Diablo State, in California. Prompted further about his area of study, he added that he played football. The bench then broke in with "that was the curriculum?" Answer: "that was the

curriculum."

Do as I say, not as I do.

From the "Preface to the Second Edition" of the *Handbook of Appellate Advocacy* (a required book for Writing & Advocacy):

Two stylistic changes have been made throughout this handbook. First, advocacy requires emphasis and directness. Therefore, the passive voice is used only when necessary and unnecessary material, examples, and words were deleted whenever possible. Second, the U.C.L.A. Moot Court Honors Program is committed to eliminating sexism. Therefore, all gender-specific language which does not refer to a particular person was deleted. Additionally, excerpts from "Guidelines for Equal Treatment of the Sexes in McGraw-Hill Book Company Publications" are reproduced in Appendix D. (emphasis added)

Thanks to Dave Moran